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Worldwide Report

LAW OF THE SEA

No. 206

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19 August 1982

WORLDWIDE REPORT

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CONTENTS

WORLDWIDE AFFAIRS

Whaling Restrictions Adopted at IWC Meeting (XINHUA, 25 Jul 82)	1
Envoy Says USSR, East Bloc To Sign LOS Treaty (Singapore Domestic Service, 22 Jul 82)	2
Briefs USSR, Nigeria Discusses Sea Law	3

ASIA

AUSTRALIA

Navy Patrols Protect Bass Strait Oil-Drilling Rigs, Ships (Lindsay Murdoch; THE AGE, Jun 82)	4
New Drilling Ship Late, Delaying Offshore Exploration (Nigel Wilson; THE AGE, 18 Jun 82)	7
Briefs Scott Reef Well Plugging	8
Bass Strait Well	8

INDIA

U.S. About Face Termed 'Triumph Over Commonsense' (Editorial; THE TIMES OF INDIA, 19 Jul 82)	9
Briefs Thai Trawler Seized	10

INDONESIA

Briefs

U.S. Decision 'Deplored'	11
--------------------------	----

MALAYSIA

'NEW STRAITS TIMES' Raps U.S. Stance on LOS Treaty (Editorial; NEW STRAITS TIMES, 12 Jul 82)	12
---	----

PEOPLE'S REPUBLIC OF CHINA

U.S. Failure To Sign LOS Treaty Criticized (Shi Fang; RENMIN RIBAO, 15 Jul 82)	13
---	----

LATIN AMERICA

INTER-AMERICAN AFFAIRS

Trinidad, Tobago Sing Fishing Agreement With Venezuela (ADVOCATE-NEWS, 23 Jul 82)	14
--	----

ANTIGUA AND BARBUDA

Briefs

Fishing Catch Decline	15
-----------------------	----

BRAZIL

Navy Concerned Over Fishing Activities on Coast (CORREIO BRAZILIENSE, 10 Jul 82)	16
---	----

Navy To Demarcate Continental Shelf (CORREIO BRAZILIENSE, 8 Jul 82)	17
--	----

Briefs

Funds for Fishing Sector	18
Coastal Zoning Study	18

CHILE

Briefs

Official Minimizes U.S. Policy	19
--------------------------------	----

MEXICO

Briefs

Tuna Market Diversified by U.S. Embargo	20
---	----

USSR

U.S. Rejection of Sea Law Convention Assessed (Vsevolod Ovchinnikov; PRAVDA, 15 Jul 82)	21
Deputy Foreign Minister on Law of Sea (TASS, 22 Jul 82)	22

WEST EUROPE

INTERNATIONAL AFFAIRS

Denmark, Rest of EC in Dispute Over North Sea Fishing Rules (BERLINGSKE TIDENDE, various dates)	23
Denmark Wants Greater Share of Quota Observer: Denmark Should Exercise 'Independence', by Kurt Francis Madsen West German Press Comments	

FINLAND

Paper Finds U.S. Rejection of LOS Treaty 'Regrettable' (Editorial; HELSINGIN SANOMAT, 13 Jul 82)	26
---	----

NORWAY

Paper Regrets U.S. Rejection of Sea Law Pact (Editorial; AFTENPOSTEN, 14 Jul 82)	28
---	----

WORLDWIDE AFFAIRS

WHALING RESTRICTIONS ADOPTED AT IWC MEETING

OW251626 Beijing XINHUA in English 1525 GMT 25 Jul 82

[Text] London, July 24 (XINHUA) -- The 34th annual meeting of the International Whaling Commission (IWC) ended today in Brighton, south England, after adopting a vote to phase out commercial whaling and setting catch limits on uncommercial whaling.

A decision overwhelmingly approved yesterday said commercial whaling should be phased out by 1985. The Soviet Union and Japan, both major whaling nations, voted against the decision.

Chinese delegation [as received] Li Renpei said in a statement that China's basic position is one for positive conservation of whale resources. But "under the premise of ensuring the resources from being damaged, limited and rational utilisation of the whale resources should be allowed," the statement said.

The six-day meeting passed two resolutions today, reducing the catch limits of minke whales in the Sea of Japan, the Yellow Sea and the East China Sea from 940 to 654 annually and the catch limits of bryde's whales in the East China Sea from 19 to 10.

Another resolution decided that Japan would be allowed to catch 450 sperm whales in 1982 and 400 in 1983 in the north Pacific.

The IWC, set up in 1946, now has 38 member countries. China joined the organization in 1980.

CSO: 5200/2106

ENVOY SAYS USSR, EAST BLOC TO SIGN LOS TREATY

BK231403 Singapore Domestic Service in English 1100 GMT 22 Jul 82

[Text] The Soviet Union has indicated that it will sign the Law of the Sea convention in Caracas in December. The president of the Law of the Sea [LOS] conference, Ambassador Tonny Koh, said this in an interview with Singapore Broadcasting Corporation today.

The Soviet Union abstained in the voting for the text of the treaty following the conference last year [as heard] in April. Ambassador Koh, who is also Singapore's representative at the United Nations, said he had learned recently that the Soviet Union had decided to sign the treaty after all. He stated that the other Warsaw Pact countries, which had also abstained, would now follow Moscow's example.

Ambassador Koh added that Britain, West Germany and other Western countries are reviewing the treaty text. He hoped that they would eventually join France and Japan, which had voted for the text, in signing the treaty.

If this happens, Ambassador Koh said, the entire treaty, including the chapter on sea bed mining, would be viable once it came into force, even without the United States as a signatory.

Ambassador Koh stressed that specific U.S. interests, such as its military security and resources interests, would not necessarily be protected by customary international law alone if the United States did not become a party to the treaty.

The United States, he said, runs the risk of having its right to transit passage in straits vital to its global strategic interests, for example, challenged by states who had become parties to the treaty and thus consider such matters governed solely by the Law of the Sea treaty.

CSO: 5200/2106

BRIEFS

USSR, NIGERIA DISCUSS SEA LAW--The Soviet Union says it will sign the convention of the Law of the Sea. The Soviet ambassador to Nigeria, Vladimir Snegirev, gave this indication during a meeting in Lagos with the attorney general of the federation and minister of justice, Chief Richard Akinjide. The ambassador also disclosed that all the socialist countries of the Soviet bloc will sign the treaty. On his part, Chief Akinjide promised to convey the message to the Nigerian leader. The minister gave the assurance that Nigeria will continue to participate in the Law of the Sea conference. Nigeria was among 130 nations which approved the draft convention in New York last April. [Text] [AB211152 Lagos International Service in English 0830 GMT 21 Jul 82]

CSO: 5200/2106

AUSTRALIA

NAVY PATROLS PROTECT BASS STRAIT OIL-DRILLING RIGS, SHIPS

Melbourne THE AGE in English June 82 Saturday Extra p 4

[Article by Lindsay Murdoch]

[Excerpts] The unknown container ship appeared first as specks of light among the low, scudding cloud. The navy patrol boat HMAS Buccaneer had sighted it by radar two hours earlier but had failed to make radio contact.

Eventually, the dwarfed patrol boat drew alongside the ship and turned a powerful spotlight on to its upper deck. After several minutes there was a crackling response on the radio from the officer on the bridge.

The ship's captain agreed to steer out of the 72-square kilometre restricted area where Victoria's 10 oil and gas rigs rise above the continuous swell of Bass Strait. On average, one ship a week is ordered out of the area which the Federal Government has banned to ships of more than 200 tonnes.

The chances of a tragedy happening in the area have been discussed repeatedly in the board rooms of the big oil companies and by defence chiefs. According to one popular scenario, the captain of an international ship sailing along Australia's southern coast sets a course on a chart he used when last in these wild waters years ago.

This out-of-date chart does not show the restricted area and the ship is switched to automatic pilot on a course through the middle of the rigs which provide 65 percent of Australia's crude oil and all of Victoria's natural gas.

In the scenario, the ship is heading for one of the rigs while the only officer on watch is starting to nod off. Even if alert, he would have little hope of seeing the glow of the rig ahead because of dense fog. Up to 60 men work on each of the \$300 million rigs which are pinned to the seabed. Collision with a ship would create one of Australia's worst disasters.

The navy boats are powerless to act when they are riding out a storm near the coast. This happened last March when Wollongong was sheltering in Refuge Cove off Wilsons Promontory and the radar on the Mackerel platform picked up a ship heading towards it.

The rig's crew was unable to make contact in the force eight gale. Fortunately, an Esso helicopter was on one of the rigs and flew out to intercept the ship, the Panamanian-registered Vortex-Mariner, and dropped warning flares. Although the ship had entered the restricted area around the rigs, Australian authorities cannot prosecute the captain. Under the Petroleum Act 1967, only vessels which pass within a gazetted 500 metres of any of the rigs can be prosecuted and fined up to \$100,000. The 72-kilometre restricted area was recognised officially late last year after the federal Government made a submission to the Intergovernmental Maritime Consultative Organisation, the international body which considers the laws of the sea.

Notices to mariners sent around the world on 1 January simply said that ships over 200 tonnes should pass south of the restricted area and maintain a listening watch on a special channel while in range.

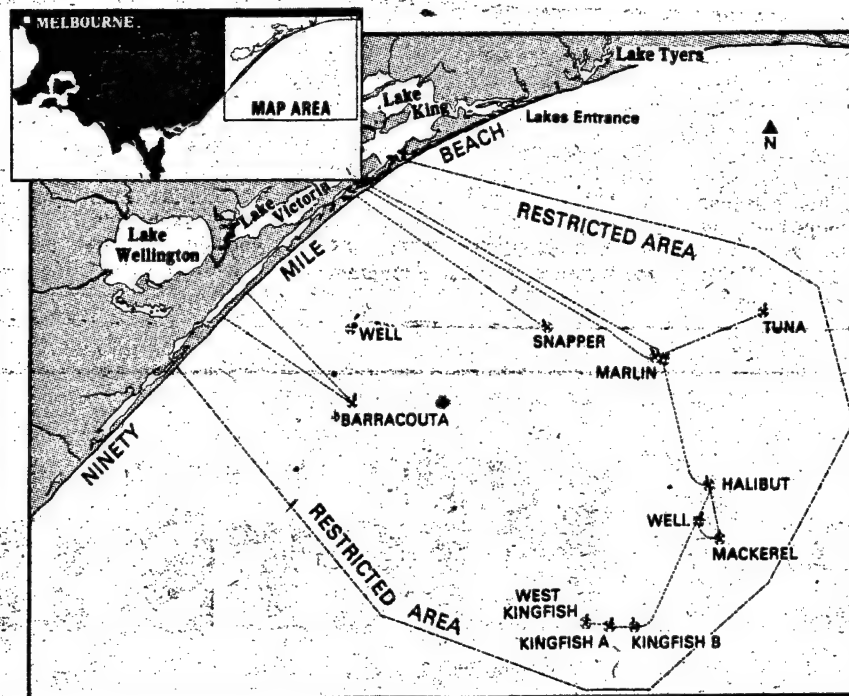
Australian authorities can ask ships found inside the restricted area to alter to a safer course. A Transport Australia spokesman said that if the captain refused, Australia under international law had no power to impose a penalty.

"But we can request the country in which the ship is registered to take action," the spokesman said.

Transport Australia officials usually board ships found in the area at their first port of call. The spokesman said: "If they do the wrong thing we can make it pretty hard for them. Certainly the ship's charts would be examined to see if they are up to date. We would interview the master and let him know we are not happy.

The officers in charge of the navy patrol boats have been sworn in as Federal police officers so they can arrest civilians who enter the crucial 500-metre safety zone around the rigs.

Forcing the ships around the rigs has created a new danger--that of a collision between ships travelling in opposite directions. To avoid this the Federal Government last year let a \$2.4 million tender for a West Australian company to build two light house boats. These will be moored south of the Kingfish platforms within 12 months. The unmanned boats will be fitted with powerful lights and radar reflectors.



CSO: 5200/7548

NEW DRILLING SHIP LATE, DELAYING OFFSHORE EXPLORATION

Melbourne THE AGE in English 18 Jun 82 p 22

[Article by Nigel Wilson]

[Text]

The North-West Shelf exploration programme has been deferred by several months because of delays to the commissioning of a new drilling ship.

The former Finnish bulk carrier Svano is being converted in a Hong Kong dockyard into the Australian owned drilling ship, Energy Searcher.

But according to oil industry sources, the ship will not be able to spud its first well until late October at the earliest. This is nearly three months behind the original schedule.

Mr Boris Ganke's Offshore Oil NL yesterday told the stock exchange the Energy Searcher conversion was proceeding on schedule and was due for completion by September.

The ship would proceed to the North-West Shelf to begin drilling operations under a three-year

contract arranged with Woodside Offshore Petroleum.

The shake-down well for Energy Searcher will in fact be financed by Alliance Oil Development which will earn a 40 per cent stake in permit area WA1P.

The well, in the shallow water region east of the North Rankin gas discovery, is necessary as part of the permit work commitment. Even so the shake-down well, as yet un-named, is budgeted to cost between \$7 million and \$8 million.

Another work commitment is scheduled for the Energy Searcher in WA 28P after completion of the AOD well.

This means it may be well into 1983 before the drillship begins the production test of the promising Goodwyn No. 6 well which in January flowed the North-West Shelf's strongest oil flow.

Goodwyn 6 could revolutionise the development of the North-West Shelf if it turns out to be a commercial oil field.

AUSTRALIA

BRIEFS

SCOTT REEF WELL PLUGGING--Woodside Petroleum Ltd has plugged its North Scott Reef No 1 well off the West Australian coast following flows of up to 1.2 million cubic metres a day during production testing. The company reported yesterday that in tests at the 4,223 to 4,283 metre interval, gas flowed at the rate of 1.2 million cubic metres a day through an 18mm choke with 484 barrels of condensate being produced a day. Through a 15mm choke the well had produced gas at the rate of 100,000 cubic metres a day and 385 barrels of condensate, and through a 12mm choke it produced 740,000 cubic metres of gas a day. In the Gippsland Basin Shell Development (Australia) Pty Ltd announced that the Hammerhead No 1 well in 120 metres of water, was drilled to a depth of 1,921 metres. [Excerpts] [Sydney THE SYDNEY MORNING HERALD in English 16 Jun 82 p 23]

BASS STRAIT WELL--Esso-GHP's Kahawai 1 offshore wildcat well in Bass Strait is being plugged and abandoned after a wireline test recovered 15 litres of oil. Attention centred on the well two weeks ago when it gave indications of hydrocarbons at 1,396 metres. Three cores cut between 1,396 metres and 1,558 metres confirmed that hydrocarbons were present in the top seven metres of the section. However, this week's wireline test at 1,403 metres after the well had been drilled to a total depth of 2,320 metres yielded only a trickle of oil, believed to be part of the shallow oil accumulation of the nearby Tuna oil field discovered in mid-1968. Kahawai 1 was the fifth well in Esso-BHP's renewed exploration program in the Gippsland Basin. In the Cooper Basin, Delhi reported that the Strzelecki No 10 gas appraisal well had flowed gas at a rate of 200,000 cubic metres a day through a 12mm choke over the interval 1,920-1,937 metres. After testing the well will be drilled ahead from its present 1,937 metres to its target depth of 1,981 metres. [Text] [Sydney THE SYDNEY MORNING HERALD in English 18 Jun 82 p 19]

CSO: 5200/7548

U.S. ABOUT FACE TERMED 'TRIUMPH OVER COMMONSENSE'

Bombay THE TIMES OF INDIA in English 19 Jul 82 p 8

[Editorial]

[Text]

Having gone along with the discussions that ended recently in the finalisation of the law of the sea treaty, the Reagan administration has refused to sign it. This is extremely unfortunate, even if it be unsurprising, given the known predilections of the U.S. President and his advisers. The American *volte face* is indeed the triumph of ideology over compromise and commonsense. U.S. seabed mining firms have combined with the Reaganite ideologues to denounce the treaty's underlying doctrine that the colossal mineral wealth of the seabed is the "common heritage of mankind." This concept, according to them, is no different from "global socialism." The irony of it all is that even President Reagan recognises some of the clear advantages of the treaty to the U.S. For instance, it provides for unimpeded naval passage through 115 straits in the world and a uniform 12-mile limit for territorial waters. The U.S. will like to have all these advantages. But obviously it cannot enjoy these benefits and yet reject the treaty's provisions on seabed mining which, incidentally, represent a compromise between the third world's and the American points of view. Private American, West European and Japanese firms have finally been allowed a considerably greater role than was originally envisaged though admittedly under the umbrella of the proposed international seabed authority. However, the U.S. does not wish to share either the technology for seabed mining or the profits from it with the third world.

America's policy of wanting to eat its cake and have it too is not only unfair but also unrealistic. In the long run, it cannot but hurt American interests. The U.S. cannot accede to the treaty in parts. Its strategy of trying to have the best of both worlds by entering into "less sweeping" mini-treaties with selected nations is not as feasible as it might appear at first sight. America's West European allies as well as Japan have made no secret of their support to the treaty. And even if some of them can be browbeaten or inveigled into signing a mini-treaty, this by itself is unlikely to change the legal regime for the seas agreed to by the rest of the world. On the other hand, the countries which wish to go ahead with the signing and ratification of the treaty must reckon with the great economic, political, diplomatic and technological clout the U.S. can bring to bear in its conflict with them. In this sombre situation a ray of hope is that thoughtful Americans have started opposing the Reagan administration's thesis that the seabed riches are up for the grabs. They have pertinently pointed out that the U.S. has needlessly isolated itself over a treaty from which it has a good deal to gain.

INDIA

BRIEFS

THAI TRAWLER SEIZED--Midnapore, July 20--A Thai trawler with 20 crew were intercepted by Indian Navy for entering Indian territory near Haldia on Sunday night according to information received by the Additional District Magistrate heretoday. The crew were produced before the Sub-divisional Judicial Magistrate, Tamluk, yesterday. He released them on bail. The trawler was seized and some quantity of fish confiscated. It may be recalled that 105 Thai fishermen arrested in three trawlers in September last year near Haldia were released from the court of the SDJM, Tamluk, last month. [Text] [Calcutta THE STATESMAN in English 21 Jul 82 p 1]

CSO: 5200/7050

INDONESIA

BRIEFS

U.S. DECISION 'DEPLORED'--Jakarta, Jul 12 (AFP)--Indonesia deplored the U.S. decision not to sign the Law of the Sea Treaty which has been endorsed by 130 countries, a Foreign Ministry spokesman said here today. The United States should have taken into consideration the interest of most countries rather than just its own, he added. The U.S. move showed that Washington did not appreciate the work of many countries which had struggled for some eight years to secure the signing of the milestone treaty, he said. Indonesia, one of the 130 signatories, has hailed the treaty saying it will help promote a fair exploitation of sea resources for the benefit of all nations. [Text] [BK121317 Hong Kong AFP in English 0447 GMT 12 Jul 82]

CSO: 5200/2106

'NEW STRAITS TIMES' RAPS U.S. STANCE ON LOS TREATY

BK130937 Kuala Lumpur NEW STRAITS TIMES in English 12 Jul 82 p 20

[Editorial: "Spoilsport"]

[Text] The United States is behaving like a spoilt child who, unable to get his own way, refuses to take part and thereby disrupts further play. Its decision not to sign the United Nations Law of the Sea Treaty can only be seen as a petulant act designed to twist the arms of the Third World countries which have already given substantial concessions to industrialised nations. No doubt the U.S. hopes that an overriding concern that the treaty should be concluded this year will lead to Third World countries softening their stand on the 230 changes to the original draft proposed by the Reagan administration. The refusal to sign is probably backed by a belief that the treaty will have little effect without U.S. support.

This time, the Reagan administration has gone too far in its delaying tactics and bullying stance. Third World countries are unlikely to shift from their stand with regard to the provisions governing seabed mining. They are in fact likely to maintain the decision made earlier to go ahead despite American uncooperativeness. A warning too has been sounded that Western firms attempting to operate outside the terms of the treaty would face action via the World Court. This, with reference to the possibility of Western countries signing a 'mini treaty' of their own, under which they recognise one another's right to mine the seabed.

Self-seeking ventures such as these, the U.S. and its allies must realise, can do nothing but damage their credibility on the international front. The United States, for one, may allege that the draft imposes limits on production and makes mandatory the transfer of knowledge and mineral riches to other countries. But a 'mini treaty' runs counter to the very concept endorsed by the U.S. -- that the riches of the deep seabed are the common heritage of mankind. To date the U.S. has been mainly responsible for the fractious state of negotiations. It is time this 'spoilt child' grew up and learnt that the key in negotiations is not threats but compromises.

CSO: 5200/2106

MALAYSIA

NEW STRAITS TIMES RAPS U.S. STANCE ON

U.S. FAILURE TO SIGN LOS TREATY CRITICIZED

HK151138 Beijing RENMIN RIBAO in Chinese 15 Jul 82 p 6

["International Jottings" by Shi Fang [1102 5364]: "A Big Stockholder"]

[Text] U.S. President Reagan announced on 9 July that the United States would not sign the international Law of the Sea Treaty because the deep-seabed mining part of the convention is unfavorable to U.S. monopoly. Several words in this statement are worth pondering.

The statement admitted that this convention was adopted with 130 votes in favor, 4 against (including the vote by the United States) and 17 abstentions. However, the statement said that, although those countries which voted against the convention were in the minority, "their GNP's amount to 60 percent of the world total and the membership dues they pay to the United Nations amount to more than 60 percent of the total." The implication of this statement is quite obvious: The United States has vast productive forces and pays higher membership dues to the United Nations; therefore, naturally, special consideration should have been given to the United States when the international Law of the Sea Treaty was being worked out. In other words, small and weak countries and the United States can never be treated equally and the former as usual have to suffer losses.

However, the UN Charter, to which the United States is a signatory, clearly provides that "all nations, large or small, enjoy equal rights." The charter does not say that the member nations should be discriminated against in sharing interests according to their power and their shares in the membership dues. The U.S. Government regards the world and the United Nations as a joint-stock company, thinking that the biggest stockholder should enjoy the most rights, and therefore the superpowers may certainly practice power politics. This is exactly the world outlook of the U.S. monopoly capital class.

CSO: 5200/2106

INTER-AMERICAN AFFAIRS

TRINIDAD, TOBAGO SIGN FISHING AGREEMENT WITH VENEZUELA

FL271545 Bridgetown ADVOCATE-NEWS in English 23 Jul 82 p 3

[Excerpts] Port-of-Spain, Trinidad, Thursday (CANA) -- Trinidad and Tobago and Venezuela have signed an agreement under which fishermen from both countries will be allowed to fish in each others territorial waters without permits.

The agreements, which was initialled by officials of the Trinidad and Tobago-Venezuela fishing commission after three days of talks in Port-of-Spain last week, will however not allow fishermen to fish in certain special zones.

It allows artesanal (pirogues with nets and other fishing gear) vessels to operate outside the specific identified zones in the treaty in each others territorial waters without permits. Nonartesanal vessels -- the deep sea trawlers such as those owned by the Trinidad and Tobago national fisheries company -- are still prohibited from fishing because of the threat they posed to marine environment, an official statement here said.

Last week's meeting was the sixth since the bilateral treaty was signed in Port-of-Spain in December 1977. General Mendoza said that talks should be held twice yearly to re-evaluate the treaty and study problems arising out of its implementation. The meeting was held at the invitation of the Trinidad and Tobago Government. The next meeting will be held in Caracas. Three representatives from each country have been commissioners to oversee the treaty.

CSO: 5200/2106

ANTIGUA AND BARBUDA

BRIEFS

FISHING CATCH DECLINE--ST. JOHN'S, Antigua, Jul 7 (CANA)--Antigua and Barbuda fishermen landed 525,712 pounds of fish in the first half of this year--two-and-half percent less than for the corresponding period last year, the government reported today. The government said the islands registered a decline even though there had been an increase in the number of fishermen. It blamed the drop on the increasing competition local fishermen faced from their Guadeloupean counterparts, and their rough seas during the first three months of this year which destroyed several fish pots. Figures released by the Fisheries Department indicated there was a decrease of 15 percent in the lobster catch in the first half of 1982, compared with the January-June period last year. Officials in the Fisheries Department said the intense competition and the rough weather were also responsible for the fall-off. [Text] [Kingston THE DAILY GLEANER in English 15 Jul 82 p 3]

CSO: 5200/7547

NAVY CONCERNED OVER FISHING ACTIVITIES ON COAST

Brasilia CORREIO BRAZILIENSE in Portuguese 10 Jul 82 p 0

[Text] The Brazilian Navy is concerned about the concentration of fishing activities on the nation's coastal strip, according to Adm Jose Pardellas, who was yesterday appointed president of the National Confederation of Fishermen by Agriculture Minister Amaury Stabile. "I cannot speak for the Navy, because I am in the reserve, but I can report that all this movement of fishing boats is concerning that branch of the armed forces," the admiral said, referring to the fact that the large number of fishing boats on the coast is a safety problem for navigation.

At the side of Admiral Pardellas, Roberto Amaral, president of SUDEPE (Superintendency for Development of the Fishing Industry), said this concentrated coastal fishing also concerns the agency he directs, because it is in this part of the coast, mainly at the river estuaries, that the fish hatcheries and other marine animal beds are located. "When the boats trawl fine-meshed nets, it endangers the replacement of the shoals," said Amaril.

The superintendent of fishing explained that this coastal fishing is directly linked to the critical increase in fuel costs. Before this occurred, only 12 percent of all fishing was conducted in the coastal region. Now 50 percent of the fish are caught near the beaches, "because the operators are avoiding the fuel consumption required for fishing on the open sea," the SUDEPE director added.

He explained that ocean ("long line") fishing is more productive, but only for boats equipped with instruments to locate the shoals. Only 1 percent of the national fishing fleet has such equipment; all these vessels belong to owners from Rio Grande do Sul or Santa Catarina and are devoted to tuna fishing on the open sea. Thus, owners of ships without sonar and other equipment to locate the schools are reluctant to go out on the high sea and use up diesel for days, hoping to spot shoals of fish by naked eye.

The SUDEPE superintendent feels, however, that the problem will soon begin to be solved. To this end, he will join President Figueiredo's delegation on the trip to Canada. There, from 19 to 23 July, Amaral will try to arrange for the acquisition of equipment for the national fishing fleet to locate the shoals, through technical cooperation accords between representatives of the two countries.

NAVY TO DEMARCATe CONTINENTAL SHELF

Brasilia CORREIO BRAZILIENSE in Portuguese 8 Jul 82 p 4

[Text] The Navy will demarcate Brazil's continental shelf. This is necessary for the definition of its exclusive economic zone, which, according to Minister Maximiano Fonseca, should be over 200 miles. The creation of the economic zone, by which Brazil will maintain sovereignty over the offshore petroleum, and the return to a 12-mile maritime territorial limit are provided in the new convention of the Law of the Sea, which should be approved by the United Nations.

The 200-mile territorial limit adopted by Brazil during the Medici administration after it was included in the law of other nations, such as Argentina, did not have international consensus. At the UN Law of the Sea, Conference, the most favored proposal was for a 12-mile territorial limit and creation of an exclusive economic zone over which, in accordance with the extent of its continental shelf, each nation would have sovereignty.

The navy minister does not feel the Brazilian 200-mile proposition is ruled out; on the contrary, he feels it is important in arriving at an international consensus regarding sovereignty in the strip constituting the continental shelf, which, according to experts in the Law of the Sea, is an extension of national territory.

The Navy wants to insure Brazil's economic sovereignty over the strip to be defined by this mission, which will be conducted with the oceanographic ship "Serius," so the country can maintain its right to exploit offshore petroleum, fish and other resources, including mineral resources.

The offshore oil now being exploited by PETROBRAS [Brazilian Petroleum Corporation] in Campos, in Bahia, in Sergipe and on the coast of Amapa is being taken from the continental shelf within the 200-mile limit. Without ruling out the possibility that there is offshore oil beyond these 200 miles, Brazilian specialists say the greatest possibilities for Brazil lie within this area.

6362

CSO: 5200/2099

BRIEFS

FUNDS FOR FISHING SECTOR--The Bank of Brazil yesterday granted a line of credit in the amount of 1.5 billion cruzeiros to finance expenditures in the fishing sector. According to Roberto Amaral, superintendant of SUDEPE [Superintendency for Development of the Fishing Industry], the funds will be applied by December 1982. The limit on loans will be up to 1,500 [times] the Greatest Value of Reference, that is, somewhat over 11 million cruzeiros. Amaral reported that the credit will be used for such fishing costs as acquisition of lines, nets and fish hooks, and manpower. It will have a 2-year repayment period. For expenditures on fish hatcheries, maintenance of equipment and fish processing, the period will be 1 year and interest rates will be the same as those for farm credit: 45 percent for the central south and 35 percent for the northeast. [Excerpts] [Brazilia CORREIO BRAZILIENSE in Portuguese 8 Jul 82 p 8] 6362

COASTAL ZONING STUDY--The CIRM (Interministerial Commission for Maritime Affairs) will initiate studies to establish coastal zoning for the nation, taking into consideration the social, economic and ecological aspects of each region. The announcement was made in Brasilia by Adm Paulo Nogueira Neto, special secretary for environmental affairs, who will chair the subcommittee which will study the matter in detail. Navy Minister Maximiano da Fonseca should formally create this subcommittee within a short time. Its first task will be to draft a bill giving the CIEM power to establish a coastal zoning code. Both the admiral and the special secretary are particularly concerned about the disorderly use of Brazilian coastal land. [Text] [Sao Paulo O ESTADO DE SAO PAULO in Portuguese 19 Jun 82 p 12] 6362

CSO: 5200/2099

CHILE

BRIEFS

OFFICIAL MINIMIZES U.S. POLICY--Santiago, 13 Jul (AFP)--U.S. participation in the Law of the Sea convention is important but not indispensable, Fernando Zegers, director general of foreign policy of the Chilean Foreign Ministry, stated here today in commenting on the U.S. refusal to sign the treaty. The Chilean official said the U.S. stand will not have a major impact on the convention because many of its provisions will become part of international law through their observance by the various states; that is, they will become mandatory for everyone. The United States refuses to sign, he said, because it objects to one of the chapters of the convention--the one dealing with exploitation of the seabed--but it accepts the other chapters. [Excerpt] [PY152314 Paris AFP in Spanish 0244 GMT 14 Jul 82]

CSO: 5200/2106

MEXICO

BRIEFS

TUNA MARKET DIVERSIFIED BY U.S. EMBARGO--Our country will no longer receive 7.5 billion pesos as a result of the tuna embargo. This was reported today by the Banco Nacional Pesquero y Portuario, Banpesca. Banpesca Director (Alfonso Soleros Murillo) said, however, that although the fishing industry is facing a difficult situation, it will be dealt with. (Soleros Murillo) added that in view of the U.S. tuna embargo, Mexico has found it necessary to transfer its exports to countries like Italy, Canada, France and the Scandinavian nations. The official said that these exports have allowed Mexico to develop its tuna industry, while avoiding basic dependence on the U.S. market. He added that a 1982 production level of more than 60,000 tons is expected, of which 5,000 tons will be exported. [Text] [PA271949 Mexico City International Service in Spanish 0200 GMT 27 Jul 82]

CSO: 5200/2106

U.S. REJECTION OF SEA LAW CONVENTION ASSESSED

PM201425 Moscow PRAVDA in Russian 15 Jul 82 p 5

[Vsevolod Ovchinnikov "Commentator's Column": "From Imperial Positions"]

[Text] The other day President Reagan officially announced his administration's refusal to sign the new Law of the Sea convention adopted by a UN conference on 30 April. (It will be open for signature this December and the Soviet Union will be one of the first states to sign this important document.) As Reagan himself recalled, the United States participated for many years in the framing of this convention together with the representatives of more than 150 countries. But, the President claimed, it suddenly turns out that the section of the convention dealing with the exploitation of sea-bed resources "is not consistent with U.S. aims."

The new convention is a code of international legal principles and norms governing the use of the sea and the exploitation of the world ocean's resources. It was the product of years of effort and mutual concessions by all the participants in the talks and is a balanced "package" of compromise accords on all the closely interrelated questions of maritime law. This painstaking work was conducted with the participation of three preceding U.S. administrations. Only this, the fourth administration, has rejected the accords reached with its predecessors and demanded that the already agreed text be revised.

The present White House incumbent is evidently displeased that the convention proclaims that its main goal is that the world ocean's riches should be exploited in the interests of all mankind; that it provides for measures to prevent the monopolization of sea-bed resources and private companies having free rein to exploit them; and lastly, that the decision-making procedure threatens to deny the United States the dominant role which it has become accustomed to playing in international currency and financial organizations.

The refusal to sign the Law of the Sea convention reminds one in many respects of the fate of SALT II. In both cases, years of seeking a mutually acceptable and balanced compromise were unilaterally nullified. In both cases, imperial ways and attempts to secure a position of dominance and to snatch one-sided advantages at the expense of other people's interests are clearly discernible. In both cases, the line taken by the present U.S. administration and its renunciation of previously reached accords are contrary to the principle of conscientious fulfillment of adopted commitments and the principle of continuity of law in international relations. The question arises: Is not Washington's refusal to sign the Law of the Sea convention a maneuver aimed at freeing its hands to arbitrarily usurp the sea and the world ocean's resources, which the present administration regards as yet another "sphere of U.S. vital interests?"

CSO; 5200/2106

USSR

DEPUTY FOREIGN MINISTER ON LAW OF SEA

LD220904 Moscow TASS in English 0610 GMT 22 Jul 82

["Statement by USSR Deputy Foreign Minister in Interview" --TASS headline]

[Text] Moscow, 22 Jul (TASS)--The USSR declares for the participation of all states in the new all-embracing Law of the Sea convention, which was adopted at the UN conference on April 30 this year. A statement to this effect was made in a TASS interview by Semyon Kozyrev, USSR deputy foreign minister, who heads the Soviet delegation at the third UN Law of the Sea conference.

Semyon Kozyrev has criticized the refusal of the U.S. administration to sign the international Law of the Sea convention, a statement to which effect was made by President Reagan on July 9. Semyon Kozyrev explained in the TASS interview the stand taken by the Soviet delegation at the UN Law of the Sea conference. The conference, in the opinion of the Soviet delegation, has succeeded in drawing up a comprehensive Law of the Sea convention, which is a balanced "package" of compromise agreements, meeting, in the final analysis, the interests of all states.

The convention is known to regulate all the basic issues in connection with the activity of states in the use of the world ocean expanses and its living and mineral resources. It determines, in particular, on a mutually acceptable basis, the width and regime of the territorial waters, the economic zones and the continental shelf, establishes the order of shipping, fishing, scientific exploration at sea, the use of mineral resources in the international area of the seabed, protection of marine environment from pollution, settlements of disputes in connection with the activities of states in the world ocean.

CSO: 5200/2106

INTERNATIONAL AFFAIRS

DENMARK, REST OF EC IN DISPUTE OVER NORTH SEA FISHING RULES

Denmark Wants Greater Share of Quota

Copenhagen BERLINGSKE TIDENDE in Danish 22 Jul 82 p 4

[Text] Brussels--Denmark stands quite alone with the other nine EC countries and the EC Commission ranged against it in the negotiations on a joint fishing policy.

After Fisheries Minister Karl Hjortnaes, as chairman of the Council of Ministers, acted in Brussels Wednesday to postpone the negotiations until September, the British Fisheries Minister, Peter Walker, told journalists that Denmark has always had an advantage from not having a mutual fishing agreement.

Karl Hjortnaes decided after the negotiations by the Council of Ministers on Tuesday that disagreement at the meeting was so great that no agreement could be reached in this round of talks and therefore the ministers will meet again in Luxembourg on 21 and 22 September.

During a pause in the talks, Fisheries Minister Karl Hjortnaes said that Denmark had wished to negotiate the distribution of fish quotas, but the EC Commission, with the backing of the other lands, wanted an agreement on fishing in Skagerak first and an agreement with Norway on fishing in the North Sea. The argument is that Norway is expected to make fish available to EC which could then distribute the fish quotas internally.

But Denmark feels that the EC countries should first distribute the quotas among its members in a real negotiation and then go to Norway and reach an agreement. And Denmark cannot go along with reaching an agreement first on Skagerak, where Denmark makes 98 percent of the fishing catches and in reality is the only EC country with interests in that area.

"There will be no results in September unless Denmark shifts its stand," said British Fisheries Minister Peter Walker, who on behalf of the nine countries, asked chairman Karl Hjortnaes at the meeting of the Council of Ministers to exert strong pressure on the one country that did not agree: Denmark.

While Karl Hjortnaes occupies the chairman's seat, Denmark is being represented by permanent undersecretary Jorgen Hertoft.

The mood at the fisheries meeting was not good and the British fisheries minister said it was frustrating that a country was so directly negative and even more frustrating when that country held the chairmanship position.

"Denmark has the full advantage of not having an agreement and Denmark must also take much of the blame for the overfishing that is now giving problems. There are nine countries that feel results can be achieved and Denmark will get its fair share," said Peter Walker.

There is a proposal on the table from the EC Commission concerning the distribution of fish quotas in EC, which would give Denmark 23.5 percent of the important types of fish, considerably less than it has fished so far. The nine other member lands at the Brussels meeting called this a good basis for starting the talks on the distribution of fishing.

Karl Hjortnaes said Wednesday that the other countries, by calling for an agreement on Skagerak, were asking Denmark to put its head on the block and turn over 40,000 tons of fish without getting a single fish in return.

"One does not start negotiations by allowing the country that is having trouble to begin by paying a high price," Hjortnaes said.

Fisheries Minister Karl Hjortnaes informed Danish special-interest organizations of the postponement of the fishing talks on Wednesday morning. The chairman of Denmark's Ocean Fishing Association, Laurits Tornaes, said after the meeting that "when the other countries maintain their stubborn attitude, I think it is correct not to give in to the pressure of their threats of illegal national measures."

Observer: Denmark Should Exercise 'Independence'

Copenhagen BERLINGSKE TIDENDE in Danish 22 Jul 82 p 9

[Commentary by Kurt Francis Madsen, instructor at Denmark's College of Journalism]

[Text] One of the material witnesses for Denmark's EC policy, Niels Anker Kofoed, former minister of fisheries and agriculture, spoke out plainly in BERLINGSKE TIDENDE on 24 June 1982. In a remarkable article entitled, "Danish Fishing at a Crossroads," he painted the future of Danish fishing in the EC ocean in gloomy colors. If he and other Liberal politicians had been so open 10 years ago in recognizing the EC ground rules, the effects of which we are now suffering from, many things would have been different and perhaps we could have avoided the fateful EC membership.

It is better to realize this late rather than never and it is clear that we must abide by EC decisions. Thus, Niels Anker Kofoed writes of the EC Commission's proposal on fishing quotas:

"At any rate, it is not acceptable.... One can ask what the Danish government can do and what it already could--and should--have done.... The fisheries minister could come into the situation where he...must point out that the matter is of vital importance to Denmark and consequently must be vetoed.... But that would give only a short respite, for experience has shown that small countries can maintain a veto only for limited periods of time. To be sure, the Danish government has tried for many years to delude the people into thinking that the veto right is a safeguard for the small countries."

But Niels Anker Kofoed continues: "If the other EC countries choose to ignore a Danish veto, however, it is possible for the Commission to bring about a resolution and it can do so with support from the treaty. Therefore the Danish government is in a weak position.... Now it can very easily happen that the other countries do not want to listen to Denmark, just as they finally got tired of listening to England's perpetual no on farm prices."

So much for Niels Anker Kofoed.

We must realize that our fishing industry is fighting for its life and that conditions today are chaotic and unpredictable due to the remote control from Brussels. Therefore, Denmark must pursue an independent fishing policy again and there is no way we can do that as long as we belong to EC. Now that the basic condition for Denmark's EC membership, the veto right, has been blown away, we can also perceive the conclusion of Denmark's EC period.

West German Press Comments

Copenhagen BERLINGSKE TIDENDE in Danish 23 Jul 82 p 3

[Text] Denmark has added a bizarre element to the EC fishing negotiations and has failed to play the mediating role called for by the country with the chairmanship, according to foreign press coverage of the fishing negotiations Tuesday and Wednesday in Brussels under the leadership of Fisheries Minister Karl Hjortnaes.

Using the DPA news agency as a source, West German papers wrote that the talks were contemptuous and annoying. Karl Hjortnaes has gone against the usual confidential policy under which the chairman, in an effort to bring about agreement, talks to the individual member lands and has instead used this confidential policy as a delaying tactic.

6578

CSO: 5200/2101

PAPER FINDS U.S. REJECTION OF LOS TREATY 'REGRETTABLE'

Helsinki HELSINGIN SANOMAT in Finnish 13 Jul 82 p 2

[Editorial: "Law of Sea Treaty Should Not Be Rejected"]

[Text] The United States is refusing to be a signatory to the Law of the Sea Treaty, which was completed in May after 8 years of negotiations. This decision was expected since the United States voted against the treaty at the conclusion of the Law of the Sea Conference. However, in some quarters the hope was kept alive that the Reagan administration, which had turned the course of the United States against the treaty, would revise its stand. This hope has now disintegrated.

According to Reagan the United States cannot approve the limits placed on the exploitation of natural resources on the sea bed. These limits were the result of the wishes of certain Third World mineral producing countries; these countries feared that the extensive excavation of valuable minerals from the sea bed would bring about the collapse of their mining industries. The United States, for its part, considered that its corporations, which have developed the necessary technology for exploitation, should have a sufficiently free hand in the "mining operations" of the sea bed.

No treaty can satisfy all parties in all respects, particularly a treaty which has been compiled by nearly all the countries of the world and which concerns their vital interests. However, after difficult negotiations a mutual understanding on the application of international law over more than half of the earth's surface, which until now has remained outside of international law, was reached at the Law of the Sea Conference. This achievement with all its deficiencies is exceptionally significant.

The Reagan administration's decision was in many respects regrettable. In the first place, the permanent absence of the most technologically developed country from the sphere of this treaty can very well make it ineffective even though it will go into effect in a few years after ratification by the required number of 60 countries. This danger is even more apparent if the example of the United States is followed by other countries which opposed the treaty -- Turkey, Venezuela, and Israel -- or by those countries which abstained, several Western European countries and the Soviet bloc.

One negative consequence of the Law of the Sea Treaty remaining a mere paper agreement would most likely be the further aggravation of relations between the rich and poor countries. One of the goals of the treaty, for its part, was to rectify the economic inequality between rich and poor countries, which would have occurred through a sea bed system regulating the exploitation of valuable minerals. When several rich countries adopted a contrary stance or abstained from the final conclusion of the treaty, several developing countries most certainly felt this to be a new violation of their rights.

However, all hope has not yet been lost. With good reason it is possible to ask whether the continued nonparticipation in the treaty will be in accordance with the interests of the United States -- or other industrialized countries over a long term. Even though the large American corporations in question are now applauding the decision, the situation may turn out to be extremely difficult for them over the long haul without a treaty. It also places a burden on other American interest groups, such as maritime shipping, which would benefit from the section of the treaty concerning free passage. Therefore, it can be hoped that the government of the United States will come to a different conclusion -- if not during Reagan's administration then later.

10576

CSO: 5200/2096

PAPER REGRETS U.S. REJECTION OF SEA LAW PACT

PM191203 Oslo AFTENPOSTEN in Norwegian 14 Jul 82 p 2

[Editorial: "New Law of the Sea Without the United States"]

[Text] President Ronald Reagan's announcement that the United States will not sign the new UN law of the sea convention came as no surprise but is nevertheless regrettable because the announcement is undoubtedly a new setback for cooperation between the major industrial nations and the developing countries. Without U.S. involvement the convention cannot possibly be what it was originally intended to be -- in particular the arrangements which regard sea bed resources outside coastal states' territorial waters and economic zones as "mankind's joint inheritance" and which formalize the international cooperation to be set up to exploit this inheritance. Only the United States has at its disposal the technology and capital needed for mining activities at great ocean depths in the foreseeable future.

Ever since it came to power the Reagan administration has viewed some of the new law of the sea proposals with great skepticism, especially the regulations intended to regulate mining on the sea bed. These state, for example, that for every field they open with a view to their own profits the large mining companies must mine a corresponding amount to benefit the poorer nations. In this connection a new international ocean bed authority is to be set up to administrate and check on mining activities. At the same time the convention calls for "the transfer of technology" from countries possessing expertise in sea bed mining to countries which do not.

These proposals give rise to notions of some sort of "global socialist ideology" among some of Reagan's advisors, and even though the President made no direct mention of these fears in his announcement, they were nevertheless apparent when he said that the arrangements would "hinder the future development of mineral resources on the sea bed" and that the proposed decisionmaking process would not "fairly reflect or protect U.S. interests." Reagan also said that the stipulations for "the enforced transfer of private technology" to the new ocean bed authority was unacceptable.

As far as the other sections of the law of the sea convention are concerned the U.S. President took a more positive view and said that the regulations on maritime boundaries, shipping and free peaceful passage through straits, for example, are in full agreement with the interests of the United States and of all nations.

U.S. reservations are shared -- at least in part -- by the three EEC nations, Britain, West Germany and Italy. But unlike the Americans the British, West Germans and Italians clearly take the view that all the possibilities of "improving" the treaty have not yet been exhausted. But the remaining possibilities cannot be particularly encouraging.